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| 10/047,023 | 01/15/2002 | William Kress Bodin | AUS920010579US1 | 5710 |

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| EXAMINER |
|---|
| CHOWDHURY, SUMAIYA A |

| ART UNIT | PAPER NUMBER |
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| 2623 | |

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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

PTOL-90A (Rev. 04/07)

| | Application No. | Applicant(s) |
|---|---|---|
| **Office Action Summary** | 10/047,023 | BODIN ET AL. |
| | Examiner | Art Unit | |
| | Sumaiya A. Chowdhury | 2623 | |

*-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --*

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

1)☐ Responsive to communication(s) filed on _____ .

2a)☐ This action is **FINAL**.      2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

4)☒ Claim(s) *1-48* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-48* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

## Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____ .

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☒ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date *3/7/02, 4/19/02, 3/27/03*.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application

6)☐ Other: _____ .

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form

the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-4, 7-8, 12, 17-20, 23-24, 28, 33-36, 39-40, and 44 are rejected under 35

U.S.C. 102(e) as being anticipated by Lee (6829475).

As for claim 1, Lee teaches a method of providing preferred location specific

content for interleaving into broadcast content, the method comprising the steps of:

storing user preferences in user preference records in a content server (30 – fig.

3; col. 11, lines 41-52);

storing location specific content (LSC) in LSC records in the content server (ads,

navigation services, traffic alerts; col. 11, lines 24-41, col. 11, line 60-col. 12, line 3, col.

12, lines 13-17);

receiving, from a digital communications network, a location of a user client

device (col. 6, lines 54-67, col. 7, lines 19-24, col. 14, lines 10-15, lines 54-65, col. 11,

lines 30-35);

determining local date and time at the location of the user client device (col. 11, lines 31-34);

creating preferred location specific content (PLSC) records in the content server, the creating carried out in dependence upon the LSC records, the user preferences, the location of the user client device, and the local date and time at the location of the client device (Based on the above factors, navigation services and traffic alerts are provided. Col. 11, line 24-col. 12, line 19); and

downloading the PLSC records through the digital communications network from the content server to the user client device (col. 11, line 24-col. 12, line 19).

As for claims 2, 18, and 34 Lee teaches wherein storing LSC further comprises receiving user preferences entered by a user through a browser (col. 12, lines 28-44).

As for claims 3, 19, and 35 Lee teaches storing LSC further comprises data mining LSC from vendors' customer databases ("ads mesh with that individual's buying interests" – col. 11, lines 42-52, col. 11, line 65-col. 12, line 5).

As for claims 4, 20, and 36, Lee teaches wherein user preference records comprise data elements comprising priority (Alerts user when predetermined events such as when a stock reaches a set value, or when there is a traffic delay on the user's route; col. 12, lines 13-18) and user preferences (col. 11, line 42-col. 12, line 18).

As for claims 7, 23, and 39 Lee teaches wherein creating PLSC records further comprises selecting LSC records in dependence upon the user preferences, the location of the user client device (col. 11, line 42-col. 12, line 18), and the local date and time at the location of the client device (Lee's system uses GPS; it is inherent for a GPS system to determine local date and time).

As for claims 8, 24, and 40, Lee teaches wherein creating PLSC records further comprises selecting LSC records having content types, target locations, and relevant date and time ranges that match, for a user, the user preferences from a user preference record for the user, the location of the user client device associated with the user, and the local date and time at the location of the user client device associated with the user (col. 11, line 42-col. 12, line 18).

As for claims 12, 28, and 44, Lee teaches periodically repeating the steps of receiving a location, determining local date and time (Lee's system uses GPS; it is inherent for a GPS system to determine local date and time), creating PLSC records, and downloading the PLSC records to the user client device. (In order to provide navigation guidance, the current location is continuously transmitted to the server – col. 8, lines 37-50).

Claims 17 and 33 merely reflect the system and the computer program

necessary for performing the method steps of claim and is therefore rejected for the

same reasons.

### Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

4. Claims 5-6, 9-11, 21-22, 25-27, 37-38, and 41-43 are rejected under 35 U.S.C.

103(a) as being unpatentable over Lee in view of Ellis (7185355).

As for claims 5, 21, and 37, Lee teaches wherein LSC records comprise data

elements comprising digital content, content type, and target location (fig. 5; col. 5, lines

52-63, col. 7, lines 4-23).

However, Lee fails to teach data elements comprising: duration, relevant date

range, and relevant time range.

In an analogous art, Ellis teaches providing a program guide which lists the

duration of a program, and the relevant date range, and relevant time range (col. 4,

lines 37-47).

It would have been obvious to one of ordinary skill in the art at the time of

applicant's invention to modify Lee's invention to include the above mentioned limitation,

as taught by Ellis, for the advantage of providing a means for a user to select content from based on a desired time and date.

As for claims 6, 22, and 38, Lee teaches wherein PLSC records comprise data elements comprising digital content (col. 11, lines 25-42, col. 11, line 60-col. 12, line 18), duration, and user identification (col. 11, lines 42-52, col. 14, lines 1-10).

However, Lee fails to teach data elements comprising duration.

In an analogous art, Ellis teaches data elements comprising duration (col. 4, lines 37-47)

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify Lee's invention to include the above mentioned limitation, as taught by Ellis, for the advantage of informing the user of the length of a program.

As for claims 9, 25, and 41, Lee teaches downloading the PLSC records to the user client device further comprises downloading the PLSC to the user client device at the network address for the user client device within the digital communications network, wherein the PLSC so downloaded comprises digital content (col. 11, line 24-col. 12, line 18).

However, Lee fails to teach the PLSC which is downloaded comprises duration.

In an analogous art, Ellis teaches the program guide downloaded comprises duration of programs (col. 4, lines 37-47).

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify Lee's invention to include the above mentioned limitation, as taught by Ellis, for the advantage of informing the user of the length of the program.

As for claims 10, 26, and 42, Lee teaches wherein the PLSC records to be downloaded include priority, and downloading the PLSC to the user client device further comprises:

downloading the PLSC to the user client device in dependence upon priority (Alerts user when predetermined events such as when a stock reaches a set value, or when there is a traffic delay on the user's route; col. 12, lines 13-18), and excluding priority from the downloaded PLSC records (After the content is downloaded, priority is no longer associated with it. Priority is associated with it when the event occurs in order to alert the user.).

As for claims 11, 27, and 43, Lee teaches wherein downloading the PLSC to the user client device further comprises downloading the PLSC to the user client device at the address with which the user client device is associated in the digital communications network, wherein the PLSC downloaded comprises digital content and priority (col. 12, lines 13-18).

However, Lee fails to teach the PLSC which is downloaded comprises duration.

Ellis teaches the program guide downloaded comprises duration of programs
(col. 4, lines 37-47).

It would have been obvious to one of ordinary skill in the art at the time of
applicant's invention to modify Lee's invention to include the above mentioned limitation,
as taught by Ellis, for the advantage of informing the user of the length of the program.


5.  Claims 13-16, 29-32, and 45-48 are rejected under 35 U.S.C. 103(a) as being
    unpatentable over Lee in view of Welk (5828585).


As for claims 13, 29, and 45, Lee teaches:

storing more than one indication of the location of the user client device and,
associated with each such indication of location of the user client device, the local time
when the user client device was at the location (In order to provide traffic alerts and
navigation services, the location of the user is needed – col. 7, lines 19-25, col. 8, lines
37-41);

wherein creating preferred location specific content (PLSC) records in
dependence upon the user preferences, the location of the user client device, and the
local date and time at the location of the client device further comprises creating
preferred location specific content (PLSC) records in dependence upon the user
preferences, the location of the user client device, the local date and time at the location
of the client device, and the direction of travel of the user client device (col. 11, line 24-
col. 12, line 45).

Calculating direction (route) of travel of the user client device (col. 11, line 60-col.12, line 18)

However, Lee fails to teach:

calculating, in dependence upon the stored indications of location and time, a speed of the user client device;

In an analogous art, Welk teaches calculating, in dependence upon the stored indications of location and time, a speed of the user client device (col. 7, line 64-col. 8, line 5)

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify Lee's invention to include the above mentioned limitation, as taught by Welk, for the advantage of determining the position of the vehicle when GPS signals are unavailable.

Claims 14, 30, and 46 contains the limitations of claim 12 and is analyzed as previously discussed with respect to that claim. Claim 14 additionally calls for the following which Welk teaches:

calculating a repetition rate for the step of periodically repeating, wherein calculating a repetition rate is carried out in dependence upon the speed of the user client device (The higher the speed, the more latitude and longitude point are covered. As a result, the vehicle's coordinates are transmitted more often).

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify Lee's invention to include the above mentioned limitation, as taught by Welk, for the advantage of obtaining accurate navigation information.

As for claims 15, 31, and 47 Lee teaches:

calculating a calculated area of relevance; and selecting LSC records having target locations within the calculated area of relevance (col. 11, line 60-col. 12, line 18).

As for claims 16, 32, and 48, Lee teaches wherein calculating a calculated area of relevance further comprises projecting where the client device will probably be for a relevant period of time, wherein the projecting is accomplished in dependence upon the direction (route) of the client device (col. 11, line 60-col. 12, line 18).

The combination of Lee and Welk teaches calculating a calculated area of relevance based upon the speed (Welk: abstract, col. 7, line 64-col. 8, line 5).

## Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sumaiya A. Chowdhury whose telephone number is (571) 272-8567. The examiner can normally be reached on Mon-Fri, 9-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Miller can be reached on (571) 272-7353. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

SAC

ANDREW Y. KOENIG
PRIMARY PATENT EXAMINER